

**Notice of Allowability**

Application No.

09/976,628

Applicant(s)

BODNER ET AL.

Examiner

Dwayne K Handy

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the submission of an application filed 10/12/2001.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ The drawings filed on 25 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/21/01, 2/19/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 06222004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kelvin Howard on June 22, 2004.

2. The application has been amended as follows:  
Claim 31 has been canceled.

### ***Allowable Subject Matter***

3. Claims 1-30 are allowed.

4. The following is an examiner's statement of reasons for allowance:

In claim 1 applicant has claimed a sample container comprised of a container housing having an open end and a hollow interior region, a repuncturable self-sealing membrane configured to self-seal after repeated punctures, and a collapsible sample bag. The self-sealing membrane has an exterior surface that is exposed to the external environment. ***The opposite, interior surface of the self-sealing membrane is oriented towards the hollow interior region of the container housing and is permanently attached to the collapsible sample bag.*** The prior art found by the

Examiner did not teach or suggest this particular combination of features. In claim 18, applicant has claimed an array of such containers attached to a plate. The Examiner considers Brown et al. (5,377,877) to be the closest prior art. In Figure 18, Brown et al. show a dispensing package for fluid products that contains an outer housing (2b) with a self-sealing valve (3b) and an inner collapsible bag (85). The inner collapsible bag is attached to the inside of the container housing, however, and NOT the self-sealing valve as in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Battle (5,553,748) shows a refillable liquid dispenser with a collapsible bag inside an open hollow housing, but does not teach a resealing membrane. Meshberg (4,457,455) teaches a collapsible container inside a rigid housing but also does not teach a resealing membrane. LeBeau (4,880,125), Di Scala et al. (5,301,825), Popoff (5,524,783), and Atkin et al. (5,579,935) teach baby/nursing containers with collapsible bags. Fong et al. (5,621,445), Childers (6,116,723), and Childers et al. (5,860,363) teach ink cartridges having collapsible ink bags. Hansen et

al. (5,836,922) teach a compressible container for the delivery of flowable material.

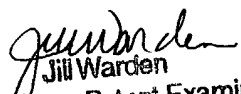
Kong (6,263,936) teaches a drink dispenser for collapsible liquid containers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH  
June 22, 2004

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700